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RECENT DECISIONS

DOUGLAS H. KENYON, *Editor-in-Charge*
LIONEL S. POPKIN, *Associate Editor*

ADMIRALTY—SEAMEN—EXTRATERRITORIAL EFFECT OF THE SEAMEN'S ACT.—A British seaman who had shipped at Liverpool on a British vessel and whose demand for one half of the wages so far earned by him, made after arrival in American waters, had been denied, libelled the vessel in an American port for the entire amount earned, which amount he claimed under the provisions of the Seaman's Act of 1915. 38 Stat. §§ 1164, 1165, U. S. Comp. Stat. 1916, § 322. The British rule, which barred a seaman's claim for wages until the completion of the voyage, was urged upon the court by the claimant. *Held*, the libellant could recover. *Strathearn Steamship Co., Ltd. v. Dillon* (U. S. Supreme Court, Oct. Term, 1919, No. 373, March 29, 1920) not yet reported, affirming (C. C. A. 1919) 256 Fed. 631.

The court construed the provision applying the section to "seamen on foreign vessels while in the harbors of the United States" as controlling, and distinguished the instant case from *Sandberg v. McDonald* (1918) 248 U. S. 185, 39 Sup. Ct. 84, on the basis of statutory construction. For a full discussion of the principal case in the Circuit Court of Appeals see 20 Columbia Law Rev. 207.

ALIMONY—SERVICE BY PUBLICATION—PROCEEDINGS AGAINST NON-RESIDENT HUSBAND FOR SEPARATE MAINTENANCE.—The plaintiff wife brought suit against her husband, a non-resident who was served by publication, for separate support and maintenance without a divorce. She prayed that a resident trustee, who was garnished and made a defendant, be directed to make payment from the income of trust property within the state, the husband being the beneficiary of the trust. The husband defaulted but the trustee answered, and upon a decree being entered granting the relief prayed for, the trustee appealed. *Held*, judgment affirmed. *Shipley v. Shipley* (Iowa 1919) 175 N. W. 51.

A decree for alimony in a divorce action is generally regarded as *in personam*. *Chapman v. Chapman* (1917) 269 Mo. 663, 192 S. W. 448; *Bunnell v. Bunnell* (1885) 25 Fed. 214. However, a distinction has been drawn in a few cases between suits for alimony and suits for separate maintenance without divorce. In the latter the marriage bond still exists and the award of separate maintenance is said to be merely the readjustment or alteration of that complex aggregate of legal relations commonly called the marital status. Hence a suit for separate maintenance without divorce, where the complaint describes specific local property belonging to the non-resident husband, out of which alimony is prayed, is said to be *in rem*, and no seizure of the property proceeded against is required. *Hanscom v. Hanscom* (1895) 6 Colo. App. 97, 39 Pac. 885; *Benner v. Benner* (1900) 63 Oh. St. 220, 58 N. E. 569; but see *McGuinness v. McGuinness* (1908) 72 N. J. Eq. 381, 68 Atl. 768; *Elvins v. Elvins* (1913) 176 Mo. App. 645, 159 S. W. 746. Moreover, by regarding actions for separate maintenance or even alimony in general, as seeking relief *in rem*, one can readily interpret the constructive service statutes to cover such cases under